

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
CONSTELLATION LEASING, LLC,

Plaintiff,

08 CV 6558 CJS (JWF)

-v-

DECLARATION OF
FRANCINE P. ARONSON

OXFORD AVIATION, INC.,

Defendant.

-----X

FRANCINE PADGETT ARONSON, an attorney admitted to practice before this Court, declares under penalty of perjury:

1. I am an attorney in the Law Offices of Robert W. Aronson, attorney for Defendant Oxford Aviation, Inc. in the above-captioned action. This declaration is submitted in support of Oxford's Motion to Transfer the above-entitled action to the District Court in the District of Maine and to consolidate it with the action pending in Maine entitled Oxford Aviation, Inc. v. Constellation Brands, Inc., Civil Action No. 2:08-cv-419.

2. A true and correct copy of the Notice of Removal with Exhibits A, B and C attached thereto, dated December 5, 2008, filed by Defendant Constellation Brands, Inc. (CBI) in the Maine action is annexed hereto as Exhibit 1. This Notice of Removal has copies of the Summons dated November 4, 2008, and the Complaint dated October 30, 2008 served upon CBI by Plaintiff Oxford in the Maine action annexed to it as Exhibit A. Further

annexed to this Notice of Removal as Exhibits B and C are the affidavits of Paul E. Middlebrook and Charles F. Mickey Dalton respectively, to support CBI's claim that the District Court of Maine has subject matter jurisdiction because there is the requisite diversity of citizenship and the District Court's jurisdictional minimum, an amount in controversy in excess of \$75,000.00 is satisfied.

3. A true and correct copy of the Answer dated December 12, 2008 filed by CBI in the Maine action is annexed hereto as Exhibit 2.

4. A true and correct copy of the Motion to Amend Complaint dated December 23, 2008 filed by Plaintiff Oxford Aviation, Inc. (Oxford) filed in the Maine action is annexed hereto as Exhibit 3. Attached to this Motion as Exhibit A is a copy of the letter dated October 24, 2008 from CBI to Oxford and Oxford's proposed Amended Complaint is attached as Exhibit A.

5. A true and correct copy of CBI's Objection to Oxford's Motion to Amend Complaint and incorporated Memorandum of Law, filed in the Maine action, dated March 17, 2009 is annexed hereto as Exhibit 4.

6. A true and correct copy of CBI's Motion for Judgment on the Pleadings or in the Alternative for a Transfer of Venue to the Western District of New York or for a Stay and

incorporated Memorandum of Law dated March 17, 2009, filed in the Maine action is annexed hereto as Exhibit 5.

7. A true and correct copy of the Order of Magistrate Judge John H. Rich III, in the Maine action dated March 30, 2009 is annexed hereto as Exhibit 6.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that the foregoing is true and correct.

Executed on April 17, 2009

/s/ Francine Padgett Aronson
FRANCINE PADGETT ARONSON